

2 **SHB 1892** - S COMM AMD

3 By Committee on Agriculture & International Trade

4 ADOPTED 04/04/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 15.66.030 and 1961 c 11 s 15.66.030 are each amended
8 to read as follows:

9 Marketing orders may be made for any one or more of the following
10 purposes:

11 (1) To establish plans and conduct programs for advertising and
12 sales promotion, to maintain present markets or to create new or larger
13 markets for any agricultural commodity grown in the state of
14 Washington;

15 (2) To provide for carrying on research studies to find more
16 efficient methods of production, processing, handling and marketing of
17 any agricultural commodity;

18 (3) To provide for improving standards and grades by defining,
19 establishing and providing labeling requirements with respect to the
20 same;

21 (4) To investigate and take necessary action to prevent unfair
22 trade practices;

23 (5) To provide information or communicate on matters pertaining to
24 the production, processing, marketing, or uses of an agricultural
25 commodity produced in Washington state to any elected official or
26 officer or employee of any agency;

27 (6) To provide marketing information and services for producers of
28 an agricultural commodity;

29 (7) To provide information and services for meeting resource
30 conservation objectives of producers of an agricultural commodity;

31 (8) To engage in cooperative efforts in the domestic or foreign
32 marketing of food products of an agricultural commodity; and

33 (9) To provide for commodity-related education and training.

34 **Sec. 2.** RCW 15.66.110 and 1961 c 11 s 15.66.110 are each amended
35 to read as follows:

1 Every marketing order shall establish a commodity commission
2 composed of not less than five nor more than thirteen members. In
3 addition, the director shall be an ex officio member of each commodity
4 commission. Commission members shall be citizens and residents of this
5 state if required by the marketing order, and over the age of (~~twenty-~~
6 ~~five years~~) eighteen. The term of office of commission members shall
7 be three years with the terms rotating so that one-third of the terms
8 will commence as nearly as practicable each year. However, the first
9 commission shall be selected, one-third for a term of one year, one-
10 third for a term of two years, and one-third for a term of three years,
11 as nearly as practicable. No less than two-thirds of the commission
12 members shall be elected by the affected producers and such elected
13 members shall all be affected producers. The remaining (~~one-third~~)
14 members shall be appointed by the commission and shall be either
15 affected producers, others active in matters relating to the affected
16 commodity or persons not so related.

17 **Sec. 3.** RCW 15.66.140 and 1985 c 261 s 20 are each amended to read
18 as follows:

19 Every marketing commission shall have such powers and duties in
20 accordance with provisions of this chapter as may be provided in the
21 marketing order and shall have the following powers and duties:

22 (1) To elect a chairman and such other officers as determined
23 advisable;

24 (2) To adopt, rescind and amend rules and regulations reasonably
25 necessary for the administration and operation of the commission and
26 the enforcement of its duties under the marketing order;

27 (3) To administer, enforce, direct and control the provisions of
28 the marketing order and of this chapter relating thereto;

29 (4) To employ and discharge at its discretion such administrators
30 and additional personnel, attorneys, advertising and research agencies
31 and other persons and firms that it may deem appropriate and pay
32 compensation to the same;

33 (5) To acquire personal property and purchase or lease office space
34 and other necessary real property and transfer and convey the same;

35 (6) To institute and maintain in its own name any and all legal
36 actions, including actions by injunction, mandatory injunction or civil
37 recovery, or proceedings before administrative tribunals or other

1 governmental authorities necessary to carry out the provisions of this
2 chapter and of the marketing order;

3 (7) To keep accurate records of all its receipts and disbursements,
4 which records shall be open to inspection and audit by the state
5 auditor or private auditor designated by the state auditor at least
6 every five years;

7 (8) Borrow money and incur indebtedness;

8 (9) Make necessary disbursements for routine operating expenses;

9 (10) To expend funds for commodity-related education, training, and
10 leadership programs as each commission deems expedient;

11 (11) To work cooperatively with other local, state, and federal
12 agencies; universities; and national organizations for the purposes
13 provided in the commission's marketing order;

14 (12) To enter into contracts or interagency agreements with any
15 private or public agency, whether federal, state, or local, to carry
16 out the purposes provided in the commission's marketing order.
17 Personal service contracts must comply with chapter 39.29 RCW;

18 (13) To accept and expend or retain any gifts, bequests,
19 contributions, or grants from private persons or private and public
20 agencies to carry out the purposes provided in the commission's
21 marketing order;

22 (14) To enter into contracts or agreements for research in the
23 production, processing, marketing, use, or distribution of an affected
24 commodity;

25 (15) To retain in emergent situations the services of private legal
26 counsel to conduct legal actions on behalf of a commission. The
27 retention of a private attorney is subject to review by the office of
28 the attorney general;

29 (16) To engage in appropriate fund-raising activities for the
30 purpose of supporting activities of the commission authorized by the
31 marketing order;

32 (17) To participate in international, federal, state, and local
33 hearings, meetings, and other proceedings relating to the production,
34 manufacture, regulation, distribution, sale, or use of affected
35 commodities including activities authorized under RCW 42.17.190,
36 including the reporting of those activities to the public disclosure
37 commission; and

38 (18) Such other powers and duties that are necessary to carry out
39 the purposes of this chapter.

Sec. 4. RCW 15.65.040 and 1961 c 256 s 4 are each amended to read as follows:

It is hereby declared to be the policy of this chapter:

(1) To aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities and in developing more efficient methods of marketing agricultural products.

(2) To enable agricultural producers of this state, with the aid of the state:

(a) To develop, and engage in research for developing, better and more efficient production, marketing, and utilization of agricultural products;

(b) To establish orderly marketing of agricultural commodities;

(c) To provide for uniform grading and proper preparation of agricultural commodities for market;

(d) To provide methods and means (including, but not limited to, public relations and promotion) for the maintenance of present markets and for the development of new or larger markets, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(e) To eliminate or reduce economic waste in the marketing and/or use of agricultural commodities;

(f) To restore and maintain adequate purchasing power for the agricultural producers of this state;

(g) To provide information or communicate on matters pertaining to the production, processing, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(h) To provide marketing information and services for producers of an agricultural commodity;

(i) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(j) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity;

(k) To provide for commodity-related education and training; and

~~((+g+))~~ (l) To accomplish all the declared policies of this chapter.

(3) To protect the interest of consumers by assuring a sufficient pure and wholesome supply of agricultural commodities of good quality at all seasons and times.

Sec. 5. RCW 15.65.230 and 1961 c 256 s 23 are each amended to read as follows:

~~((The))~~ A producer member(~~((s))~~) of each ~~((such))~~ commodity board ~~((shall))~~ must be a practical producer(~~((s))~~) of the affected commodity and ~~((shall))~~ must be a citizen(~~((s-and))~~), resident(~~((s))~~) of this state, and over the age of ~~((twenty-five))~~ eighteen years(~~((, each of whom is and has))~~). Each producer board member must be and have been actually engaged in producing such a commodity within the state of Washington for a period of five years and ~~((has))~~ have, during that period, derived a substantial portion of his or her income therefrom and ~~((who is))~~ not be engaged in business, directly or indirectly, as a handler or other dealer. ~~((The))~~ A handler member(~~((s))~~) of ~~((such))~~ each board ~~((shall))~~ must be a practical handler(~~((s))~~) of the affected commodity and ~~((shall))~~ must be a citizen(~~((s-and))~~), resident(~~((s))~~) of this state, and over the age of twenty-five years(~~((, each of whom is and has))~~). Each handler board member must be and have been, either individually or as an officer or employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling such a commodity within the state of Washington for a period of five years and ~~((has))~~ have, during that period, derived a substantial portion of his or her income therefrom. The qualification of a member(~~((s))~~) of the board as ~~((herein))~~ set forth in this section must continue during ~~((their))~~ the term(~~((s))~~) of office.

Sec. 6. RCW 15.65.280 and 1985 c 261 s 11 are each amended to read as follows:

The powers and duties of the board shall be:

(1) To elect a chairman and such other officers as it deems advisable;

(2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;

(3) To recommend to the director administrative rules, regulations and orders and amendments thereto for the exercise of his powers in connection with such agreement or order;

1 (4) To advise the director upon any and all assessments provided
2 pursuant to the terms of such agreement or order and upon the
3 collection, deposit, withdrawal, disbursement and paying out of all
4 moneys;

5 (5) To assist the director in the collection of such necessary
6 information and data as the director may deem necessary in the proper
7 administration of this chapter;

8 (6) To administer the order or agreement as its administrative
9 board if the director designates it so to do in such order or
10 agreement;

11 (7) To work cooperatively with other local, state, and federal
12 agencies; universities; and national organizations for the purposes
13 provided in the board's marketing order;

14 (8) To enter into contracts or interagency agreements with any
15 private or public agency, whether federal, state, or local, to carry
16 out the purposes provided in the board's marketing order. Personal
17 service contracts must comply with chapter 39.29 RCW;

18 (9) To accept and expend or retain any gifts, bequests,
19 contributions, or grants from private persons or private and public
20 agencies to carry out the purposes provided in the board's marketing
21 order;

22 (10) To retain in emergent situations the services of private legal
23 counsel to conduct legal actions on behalf of a board. The retention
24 of a private attorney is subject to review by the office of the
25 attorney general;

26 (11) To engage in appropriate fund-raising activities for the
27 purpose of supporting activities of the board authorized by the
28 marketing order;

29 (12) To enter into contracts or agreements for research in the
30 production, processing, marketing, use, or distribution of an affected
31 commodity;

32 (13) To participate in international, federal, state, and local
33 hearings, meetings, and other proceedings relating to the production,
34 manufacture, regulation, distribution, sale, or use of affected
35 commodities including activities authorized under RCW 42.17.190,
36 including the reporting of those activities to the public disclosure
37 commission; and

38 (14) To perform such other duties as the director may prescribe in
39 the marketing agreement or order.

1 Any agreement or order under which the commodity board administers
2 the order or agreement shall (if so requested by the affected producers
3 within the affected area in the proposal or promulgation hearing)
4 contain provisions whereby the director reserves the power to approve
5 or disapprove every order, rule or directive issued by the board, in
6 which event such approval or disapproval shall be based on whether or
7 not the director believes the board's action has been carried out in
8 conformance with the purposes of this chapter.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 15.65 RCW
10 to read as follows:

11 A commodity board may establish a foundation using commission funds
12 as grant money when the foundation benefits the commodity for which the
13 board was established. Commission funds may be used for the purposes
14 authorized in the marketing order.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 15.66 RCW
16 to read as follows:

17 A commodity commission may establish a foundation using commission
18 funds as grant money when the foundation benefits the commodity for
19 which the commission was established. Commission funds may be used for
20 the purposes authorized in the marketing order.

21 NEW SECTION. **Sec. 9.** A new section is added to chapter 15.65 RCW
22 to read as follows:

23 (1) Each board member of a commodity board established under this
24 chapter may be compensated pursuant to RCW 43.03.230.

25 (2) Board members and employees of a commodity board established
26 under this chapter may be reimbursed for actual travel expenses
27 incurred in carrying out the provisions of this chapter, as defined
28 under the commodity board's marketing order. Otherwise, if not defined
29 or referenced in the marketing order, reimbursement for travel expenses
30 shall be in accordance with RCW 43.03.050 and 43.03.060.

31 (3) Approval for compensation and travel expenses shall be as
32 defined in the commodity board's marketing order.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 15.66 RCW
34 to read as follows:

(1) Each board member of a commodity commission established under this chapter may be compensated pursuant to RCW 43.03.230.

(2) Board members and employees of a commodity commission established under this chapter may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity commission's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

(3) Approval for compensation and travel expenses shall be as defined in the commodity commission's marketing order.

Sec. 11. RCW 43.03.230 and 1984 c 287 s 3 are each amended to read as follows:

(1) Any agricultural commodity board or commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed ((thirty-five)) one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group."

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On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 15.66.030, 15.66.110,

1 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new
2 sections to chapter 15.65 RCW; and adding new sections to chapter 15.66
3 RCW."

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